

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 13-cr-20209

vs.

Honorable Victoria A. Roberts

TIMOTHY MURRAY,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on or around March 14, 2013, which charged Defendant Timothy Murray (“Defendant”) with Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2); Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2); and, Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). The Indictment also sought criminal forfeiture pursuant to 18 U.S.C. § 2253.

WHEREAS, on July 24, 2013, Defendant pleaded guilty to Counts One and Three of the Indictment: distribution of child pornography, pursuant to 18 U.S.C. § 2252A(a)(2), and possession of child pornography, pursuant to 18 U.S.C. § 2252A(a)(5). Defendant further agreed, pursuant to 18 U.S.C. § 2253, to the forfeiture of any interest he may have in any visual depiction described in 18 U.S.C.

§§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from his offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of his offense or any property traceable to such property, including, but not limited to, the following:

(1) **Assorted Computers (13-ICE-000846)**

- (a) HP Pavilion 7580N computer tower, serial number MXF6300DX7;
- (b) HP Pavilion DV3 laptop computer, serial number CND9244DS9;
- (c) HP P600, serial number 4CE0421260;
- (d) Dell PP07L laptop computer, serial number CFKR147;
- (e) Dell Dimension 2400 computer, serial number 2MDM141;
- (f) Dell laptop computer, Model TS30GI, serial number 6417346BYK0996A;
- (g) Gateway G6-450, serial number 0011308490;
- (h) Gateway 400 SP4 laptop computer, serial number 0028510244;

(2) **Assorted Computer Equipment (13-ICE-000847)**

(thumb drives, zip drive: serial number 1ADN36948J, CDs, DVD & floppy disks)

(3) **Assorted Electronic Equipment Valued at \$150.00 (13-ICE-000848)**

- (a) Sanyo Katana LX cell phone; serial number 268435457801631331;
- (b) Samsung SPH-L710 cell phone; serial number 256691456700591136;
- (c) Nikon CoolPix L3 camera, serial number 30784082;
- (d) Sony PlayStation 3 with cord, serial number CG318727842CECH2001B

Hereinafter collectively referred to as the "Personal Property."

NOW THEREFORE, pursuant to Fed.R.Crim.P. 32.2, based upon Defendant's acknowledgment of criminal forfeiture proceedings, Defendant's agreement to the forfeiture of the Personal Property, the Indictment, the Rule 11 Plea Agreement, Defendant's guilty plea, and all the information contained in the record, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Personal Property listed above IS HEREBY FORFEITED to the United States for disposition in accordance with the law, and any right, title or interest of Defendant in such property IS HEREBY AND FOREVER EXTINGUISHED.
2. The Personal Property is subject to forfeiture pursuant to 18 U.S.C. § 2253, and the requisite nexus exists between these items and the offense of conviction set forth in the Indictment.
3. Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.
4. The United States shall publish on www.forfeiture.gov, notice of this Preliminary Order of Forfeiture and of its intent to dispose of the Personal Property in such manner as the Attorney General may direct, pursuant to

21 U.S.C. § 853(n). Said notice shall direct that any person other than the Defendant asserting a legal interest in the Personal Property may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Personal Property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Personal Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Personal Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Personal Property.

5. This Preliminary Order of Forfeiture shall become final as to Defendant at the time it is entered by the Court. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.CrimP. 32.2(c)(2).

6. After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.
7. The United States shall have clear title to the Personal Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.
8. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

IT IS SO ORDERED.

Date: 8/23/13

/s/ Victoria A. Roberts
HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE